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OFFICE OF PETITIONS

DAC/1652 #22
8
PATENT APPLICATION



02139.000017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YUTAKA TAKANO, ET AL.

Application No.: 09/496,041

Filed: February 2, 2000

For: PROCESS FOR PRODUCING
PURINE NUCLEOTIDES

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

August 1, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.137(b)

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.137(b) to restore to pending status the above-identified application, which has become unintentionally abandoned for failure to timely file a proper reply to the earlier Office Action (Paper No. 17) dated December 3, 2002.

This paper is filed in response to the Withdrawal of Amendment decision dated July 2, 2003, copy attached at Tab A.

In accordance with 37 C.F.R. §1.137(b)(2), enclosed is a check in the amount of \$1280.00 for payment of the fee required under 37 C.F.R. § 1.17(m) in connection with the petition. Please charge any additional fees due to Deposit Account No. 06-1205.

08/05/2003 CNGUYEN 00000093 061205 09496041

01 FC:1253 930.00 0P

08/05/2003 CNGUYEN 00000093 061205 09496041

02 FC:1453 20.00 DA 1280.00 0P

RESPONSE TO OFFICE ACTION

In accordance with 37 C.F.R. § 1.137(b)(1), the Petition for Extension of Time and a check in the amount of \$930.00 to cover the extension fee were filed previously.

In conformity with 37 C.F.R. §137(c), Applicants Response is the accompanying continuing application together with a Preliminary Amendment, an Information Disclosure Statement, a Statement Concerning Sequence Listing and a check in the amount of \$750.00 to cover the filing fee is enclosed.

Pursuant to 37 C.F.R. § 1.137(b)(3), the undersigned hereby certifies that the entire delay in filing the required reply from the due date of the reply until the filing of this grantable petition was unintentional.

RELIEF REQUESTED

In view of the foregoing, the Commissioner is respectfully requested to return the above-identified application to pending status.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
Lawrence S. Perry
Registration No. 31,865

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New York, New York 10112-3801
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Paper No. 24

Fitzpatrick Cella Harper & Scinto
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New York, NY 10112-3801

In re Application of
Yutaka Takano et al.
Application No. 09/496,041
Filed: February 2, 2000
Attorney Docket No. 02139.000017

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 4, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 13, 2002, which set a shortened statutory period for reply of three months from the mail date of the Notice. A three-month extension of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 12, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$930 extension of time submitted with the petition on August 4, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 10/632,906.

The application file is being forwarded to Files Repository.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 2/17/04 2 Serial/Patent # 09/496,041

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
<input checked="" type="checkbox"/>	Extension of Time			\$ 930.
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$

7 TOTAL AMOUNT OF REFUND \$ 930.

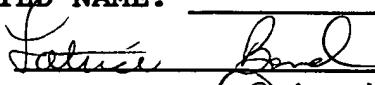
8 TO BE REFUNDED BY:

10 REASON:	Treasury Check
Overpayment	<input checked="" type="checkbox"/> Credit Deposit A/C #:
Duplicate Payment	9. <input type="text"/> 06 -- 1205
No Fee Due (Explanation):	

Extension filed after expiration of extendable period for reply.

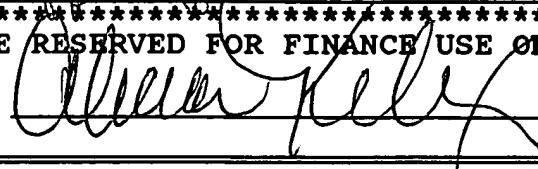
11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: _____ TITLE: Para Spec.

SIGNATURE:  PHONE: 3076911

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APPROVED:  DATE: 2/19/04

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